

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 8-8-24

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UNITED STATES OF AMERICA

- v. -

MARIAN IRINEL FLORE,  
a/k/a "Marian Botos,"  
a/k/a "Robert Mario Horvath,"

Defendant.  
----- x

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:  
: CONSENT PRELIMINARY ORDER  
OF FORFEITURE/  
: MONEY JUDGMENT

: 19 Cr. 668 (ALC)  
:

WHEREAS, on or about September 16, 2019, MARIAN IRINEL FLORE (the "Defendant"), among others, was charged in a seven-count Sealed Indictment, 19 Cr. 668 (ALC) (the "Indictment"), with, *inter alia*, conspiracy to commit access device fraud, in violation of Title 18, United States Code, Section 1029(b)(2) (Count One);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), of any and all property constituting or derived from, proceeds obtained directly or indirectly, as a result of the commission of the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment, that the Defendant personally obtained;

WHEREAS, on or about April 25, 2024, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), a sum of money

equal to \$193,239.07 in United States currency, representing proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$193,239.07 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with his co-defendant, Vasile Florin Flore (“Co-defendant”), to the extent a forfeiture money judgment is entered against the Co-defendant in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Jackie Delligatti, of counsel, and the Defendant and his counsel, Thomas Nooter, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$193,239.07 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with the Co-defendant to the extent a forfeiture money judgment is entered against the Co-defendant in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant MARIAN

IRINEL FLORE, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, 38<sup>th</sup> Floor, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

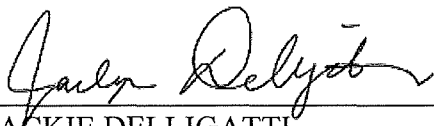
7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York


By:   
JACKIE DELLIGATTI  
Assistant United States Attorney  
26 Federal Plaza  
New York, NY 10278  
(212) 637-2559

8/1/2024  
DATE

MARIAN IRINEL FLORE


By: MARIAN FLORE  
MARIAN IRINEL FLORE

8-1-2024  
DATE

By:   
THOMAS NOOTER, ESQ.  
Attorney for Defendant  
75 Maiden Lane, Suite 907  
New York, NY 10038

8-1-2024  
DATE

SO ORDERED:

  
HONORABLE ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

8/1/2024  
DATE